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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/998,234

12/03/2001

Jonathan L. Rowlands

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23494

7590

12/04/2006

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EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/998,234

Applicant(s)

ROWLANDS, JONATHAN L.

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1                   This action is in response to the appeal brief filed 9/12/2006.

2                                   **DETAILED ACTION**

3                   In view of the appeal brief filed on 9/12/2006, PROSECUTION IS HEREBY  
4 REOPENED. New prior art rejections are set forth below.

5                   To avoid abandonment of the application, appellant must exercise one of the following  
6 two options:

7                   (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37  
8 CFR 1.113 (if this Office action is final); or,

9                   (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an  
10 appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee  
11 can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have  
12 been increased since they were previously paid, then appellant must pay the difference between  
13 the increased fees and the amount previously paid.

14                   A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing  
15 below:  
16

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***Response to Arguments***

Applicant's arguments with respect to claims 1, 3, 4, 7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that the claim language of independent claim 1 does not require that "the transmitting employs a local connection having a first bandwidth", but rather can be interpreted that "the receiver employs a local connection having a first bandwidth". The examiner suggests that if the applicants want the claim to reflect that "the transmitting employs a local connection having a first bandwidth", that the claim be rewritten to recite that "the transmitting employs a local connection having a first bandwidth". This also applies to the other "transmissions" in claim 1 as well as in claim 3 where it has not been explicitly stated that the transmissions are what employ the specifically claimed connections.

All objections and rejections not set forth below have been withdrawn.

***Claim Objections***

Claims 3, 4 and 13 are objected to under 37 CFR 1.75(d). Lines 15 and 17 refer to "the trusted agent", but it is unclear whether this is referring to "the trusted agent" of line 13 or of line 6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

1  
2        Claims 1, 3, 4, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
3        Hurtado et al. (Patent Number 6,983,371) hereinafter referred to as Hurtado, and further in view  
4        of Monson ("Bluetooth Technology and Implications").

5        Regarding claim 1, Hurtado disclosed a method of data distribution preserving rights of a  
6        remote party (See Hurtado Abstract and Figs. 20-21) comprising the steps of: an authorized user  
7        transmitting data to a receiver employing a connection having a first bandwidth (See Hurtado  
8        Col. 88 Line 15 – Col. 89 Line 12 Especially Col. 88 Line 48 – Col. 89 Line 12); and following  
9        said transmitting step, authorizing the receiver's use of the data by a trusted agent (See Hurtado  
10       Col. 89 Line 26 – Col. 90 Line 42) employing a network having a second bandwidth (See  
11       Hurtado Col. 26 Lines 21-40 and Col. 89 Lines 16-39), but Hurtado did not disclose that the first  
12       connection was a local connection or that the first bandwidth was higher than the second  
13       bandwidth. However, Hurtado did disclose that the distribution could be done using CD's (See  
14       Hurtado Col. 88 Lines 15-38).

15       Monson teaches that the use of BLUETOOTH communications (which are direct  
16       wireless connections) between devices can be used to transmit data between the devices (See  
17       Monson first Paragraph, Section "Network Arrangements" and "Transmission Types and Rates",  
18       and further that BLUETOOTH has many advantages including ease of use, not needing to use  
19       cables, line of sight not required, communication through walls, and not needing to use storage  
20       media to transfer data between devices (See Monson last section headed "Implications for the PC  
21       world).

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1           It would have been obvious to the ordinary person skilled in the art at the time of  
2 invention to employ the teachings of Monson in the Super Distribution System of Hurtado by  
3 using BLUETOOTH connections between End User Devices to transfer the Super Distribution  
4 SC's instead of using CD's. This would have been obvious because one of ordinary skill in the  
5 art would have been motivated to provide an easy to use alternative to using storage media for  
6 transmitting the Super Distribution SC's between End User Devices.

7           Regarding claim 3, Hurtado disclosed a method of data distribution preserving rights of a  
8 remote party (See Hurtado Abstract and Figs. 20-21) comprising the steps of: a sender choosing  
9 an encryption key for a receiver's use (See Hurtado Col. 89 Lines 2-12); the sender encrypting  
10 the data using the encryption key (See Hurtado Col. 89 Lines 7-12); the sender encrypting the  
11 encryption key using a public encryption key of a trusted agent (See Hurtado Col. 89 Lines 26-  
12 36 and Col. 26 Lines 50-53); the sender transmitting both the encrypted data and the encrypted  
13 key to the receiver employing a connection having a first bandwidth (See Hurtado Col. 89 Lines  
14 2-11 and 26-36); following said transmitting step, the receiver and the trusted agent negotiating  
15 licensing and payment for the data (See Hurtado Col. 89 Lines 40-58); following said  
16 transmitting step, the receiver transmitting the encrypted key to a trusted agent employing a  
17 network having a second bandwidth (See Hurtado Col. 89 Lines 26-35 and Col. 26 Lines 21-40);  
18 following said transmitting step, the trusted agent decrypting the encryption key (See Hurtado  
19 Col. 89 Lines 59-61); and following said transmitting step, the trusted agent sending the  
20 decrypted encryption key to the receiver to receive the full data employing said network having  
21 said second bandwidth (See Hurtado Col. 89 Lines 59-65), but, Hurtado did not disclose that the  
22 first connection was a local connection or that the first bandwidth was higher than the second

1 bandwidth. However, Hurtado did disclose that the distribution could be done using CD's (See  
2 Hurtado Col. 88 Lines 15-38).

3 Monson teaches that the use of BLUETOOTH communications (which are direct  
4 wireless connections) between devices can be used to transmit data between the devices (See  
5 Monson first Paragraph, Section "Network Arrangements" and "Transmission Types and Rates",  
6 and further that BLUETOOTH has many advantages including ease of use, not needing to use  
7 cables, line of sight not required, communication through walls, and not needing to use storage  
8 media to transfer data between devices (See Monson last section headed "Implications for the PC  
9 world).

10 It would have been obvious to the ordinary person skilled in the art at the time of  
11 invention to employ the teachings of Monson in the Super Distribution System of Hurtado by  
12 using BLUETOOTH connections between End User Devices to transfer the Super Distribution  
13 SC's instead of using CD's. This would have been obvious because one of ordinary skill in the  
14 art would have been motivated to provide an easy to use alternative to using storage media for  
15 transmitting the Super Distribution SC's between End User Devices.

16 Regarding claim 4, the combination of Hurtado and Monson disclosed the receiver  
17 choosing a new encryption key unknown to the sender and encrypting the data with the new  
18 encryption key (See Hurtado Col. 90 Paragraph 2 and Col. 93 Paragraph 1).

19 Regarding claims 7 and 13, the combination of Hurtado and Monson disclosed that said  
20 step of locally transmitting both the encrypted data and the encrypted key includes directly  
21 connecting an apparatus of the sender to an apparatus of the receiver (See the rejection of claim 1  
22 above).

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*Conclusion*

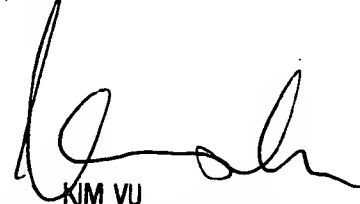
Claims 1, 3-4, 7, and 13 have been rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.

The examiner can normally be reached on M-F 8-4.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PATENT EXAMINER  
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Matthew Henning  
Assistant Examiner  
Art Unit 2131  
11/22/2006